

PROB 12C  
(7/93)

Report Date: November 26, 2012

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NOV 27 2012

JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Esteban Rodolfo Alaniz

Case Number: 2:07CR02115-002

Address of Offender: '

/1, incarcerated at the Yakima

County Jail

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 9/30/2008

Original Offense: Conspiracy to Distribute Controlled Substance, 21 U.S.C. § 846

Original Sentence: Prison - 36 Months  
TSR - 48 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alison L. Gregoire

Date Supervision Commenced: 5/1/2012

Defense Attorney: Alison K. Guernsey

Date Supervision Expires: 10/28/2014

## PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 10/26 and 11/15/2012.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Mandatory Condition #4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

**Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Esteban Rodolfo Alaniz submitted a urine sample on October 30, 2012, which tested positive for synthetic marijuana.

On May 23, 2012, the defendant reported to the U.S. Probation Office for an intake appointment. During the office visit the defendant reviewed and signed a substance abuse testing instructions form which indicated he was not to use any products that mimic the effects of controlled substances. (i.e.: Spice, K2, Black Mamba, and known by any other product name). When questioned about the positive test for synthetic marijuana, he stated he did not know how it could have tested positive and said it must have been something he consumed. It should be noted that the defendant has a history of using Spice.

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**Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Esteban Rodolfo Alaniz failed to report to the U.S. Probation Office at 11 a.m. on November 19, 2012.

On November 19, 2012, at 9:30 a.m. the undersigned officer conducted a home visit at the defendant's listed residence in Yakima. Contact was made with the defendant's girlfriend who reported the defendant was in the shower. During the home visit this officer observed several empty liquor bottles in a trash can and an 18-pack of empty beer bottles on the kitchen counter. When questioned about the alcohol, the defendant denied drinking and said some friends had come over the night before and had brought the alcohol for their consumption. As this officer was speaking with the defendant, he appeared to be swaying back and forth and was having trouble standing still. The defendant was then directed to provide a urine sample, but he related he had just gone to the restroom. Mr. Alaniz was directed to report for an office visit that morning at 11 a.m. for the purpose of providing a urine sample. Although the defendant stated he would report, he failed to show.

Later that day at approximately 12:30 p.m. the defendant called to report he was unable to report due to car issues (ran out of gas). It should be noted the defendant resides just a few blocks away from the U.S. Probation Office and could have walked. At approximately 1:30 p.m. the defendant reported for an office visit and submitted a UA which tested negative, however, the sample appeared to be as clear as water and was tested for adulteration using an adulteration test strip, which confirmed the sample was abnormal. Test results were shown to the defendant and he acknowledged the reading. Mr. Alaniz denied attempting to dilute his urine sample and said the only thing he had consumed was Gatorade.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on: November 26, 2012

s/Jose Vargas

Jose Vargas  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action  
☐ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Other



Signature of Judicial Officer

11/27/12

Date